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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,556	11/15/2001	Yasuharu Okamoto	Q67210	7539

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SUGHRUE, MION, ZINN
MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

SWARTHOUT, BRENT

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,556

Applicant(s)

OKAMOTO, YASUHARU

Examiner

Brent A. Swarthout

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11-15-01.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1,2,5-10, and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaspard, II in view of Martin et al.

Gaspard discloses a method of offering to a vehicle 150 user by way of the internet (col.4, line 57) an optimum route for a plurality of sites comprising obtaining stored map data (col.7, lines 41-43), receiving site information over the internet (col. 4, lines 50-58), obtaining real-time traffic conditions (col.8, line 1), extracting a route (col. 8, lines 2-10) and reporting the route to a vehicle user via the internet (col.8, lines 8-10, Fig. 1), except for specifically stating that route is an optimum route based on time of travel of roads on a map.

Martin teaches desirability of retrieving an optimum route based on plural destinations to be visited based on road travel times (col.3, lines 38-44; col.8, lines 27-60) in order to get the shortest time route.

It would have been obvious to use road travel times to obtain shortest time route as suggested by Martin in conjunction with a route determination system as disclosed by Gaspard, in order to obtain the most efficient route, in order to save a vehicle operator time and expense.

Regarding claim 2, Martin teaches alternately determining shortest distance route (col. 5, lines 25-30).

Regarding claims 5-6, Gaspard teaches using previously used routes (col. 7, lines 39-43).

Regarding claims 7-8, Gaspard (col.8, line 1) and Martin (col. 3, lines 44-48) disclose use of traffic data to determine optimum route.

Regarding claim 9, Gaspard teaches use of user terminal (col. 4, lines 50-61).

2. Claims 3-4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaspard II in view of Martin et al. and Westerlage et al.

Westerlage teaches desirability in a vehicle route determination system (col. 10, line 1) of designating delivery time blocks at which a vehicle is to be at a specific destination (col. 8, lines 34-50; Fig. 4).

It would have been obvious to take into account delivery time data when determining optimum route in a system as disclosed by Gaspard and Martin, in order to insure that vehicles arrived at designated points at the correct time.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Behr, Lee, Schuessler and Jones disclose vehicle navigation systems.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A

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Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brent A Swarthout
Art Unit 2636

**BRENT A. SWARTHOUT
PRIMARY EXAMINER**